This introductory page outlines the contents of the District leaves and absences policy.

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PURPOSE

This policy outlines the contents of the District's leave and absence policy. Topics are addressed sequentially.

For provisions regarding the Family and Medical Leave Act (FMLA), see DECA(LEGAL/LOCAL). For Military Leave, see DECB(LEGAL/LOCAL).

GENERAL INFORMATION

Unless otherwise noted, the definitions outlined below will be applied throughout this policy.

FAMILY

The term "immediate family" in this policy shall include:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a current son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.
3. Parent, stepparent, current parent-in-law, or other individual who stands in loco parentis to the employee.
4. Sibling, stepsibling, sibling-in-law.
5. Grandparent, grandchild, and spouse's grandparent.
6. Any person who may be residing in the employee's household at the time of illness or death.

For definitions applicable to the FMLA, see DECA(LEGAL/LOCAL).

FAMILY EMERGENCY

The term "family emergency" shall be limited to natural disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

WORKDAY

A "workday" for purposes of accumulation, use, or recording shall mean the number of hours per day equivalent to the employee's usual work assignment, whether full-time or part-time.

EARNED COMPENSATORY TIME

Earned compensatory time shall be used before any available paid state, District local leave, or sick leave bank benefits. [See DEA(LOCAL)]

LEAVE USE AND RECORDING

Leave for the current year shall be advanced to the employee for use at the beginning of the school year (September 1 – August 31). The number of leave days shall be prorated based on the number of days worked during each school year. Should the employee use more days than earned and ceases to be an employee, the cost of unearned leave shall be deducted from the employee's final pay-

check. If insufficient funds exist in the last paycheck, the employee shall be required to refund the overpayment.

The District may not restrict the order or purpose for which an employee may use the following available leave days:

1. District local leave.
2. State sick leave, accrued prior to May 30, 1995.
3. State personal leave.

REPORTING ABSENCES FROM DUTY

With the exception of an approved leave of absence, all District employees shall notify their immediate supervisor or designee daily (in accordance with department/campus procedures), if it is necessary to be late for work or absent for any reason. In the event of an emergency, notification should be made at the earliest practical time, especially if a substitute is required to cover an employee's responsibilities.

An employee absent beyond five consecutive workdays, except for vacation, shall apply for a leave of absence by contacting Benefits Outlook. The employee shall notify the supervisor or designee of the application for leave. [See application procedure applicable for each type of leave]

CUMULATIVE LEAVES OF ABSENCE

Employees who take multiple leaves of absence that exceed 60 workdays during a rolling 12-month period [see DECA(LEGAL)] shall not be guaranteed placement in their previous assignment unless their placement is protected by state and/or federal laws, including but not limited to, FMLA and/or the Uniformed Services Employment and Reemployment Rights Act (USERRA) provisions. [See DECA(LEGAL) and DECB(LEGAL)]

ATTENDANCE INCENTIVES

Unless otherwise required by a specific program description or by law, all absences, including use of state sick leave, District local leave, and paid and unpaid leave or absences (including FMLA), will be taken into account in determining eligibility for attendance incentives.

MEDICAL CERTIFICATION

An employee absent beyond four consecutive workdays due to personal illness shall submit, upon return to work, a medical certification of absence and fitness to return to work. An employee absent beyond four consecutive workdays due to the illness of an immediate family member shall present, upon return to work, medical certification of the family member's illness.

FITNESS FOR DUTY CERTIFICATION

As a condition for an employee to work following a leave of absence due to the employee's own serious health condition, the District shall require the employee to obtain and present certification

from the employee's health-care provider. Such certification shall state that the employee is able to resume work and can perform the essential functions of the job. [See DECA(LEGAL)]

SECOND OPINION

In the determination of any medical-related leave, the Superintendent or designee may direct employees to obtain a second opinion from a health-care provider (as defined by the FMLA). If a second opinion is required, the cost of the second opinion shall be at the District's expense.

MAINTENANCE OF BENEFITS

Continuation of benefits while on a leave of absence shall be subject to the terms outlined in DEC(LEGAL) and CRD(LOCAL).

Non-payment of employee contributions for benefits will result in loss of coverage and COBRA eligibility, as applicable.

SICK LEAVE PROGRAM

Sick leave banks (SLB) established to benefit employees who have a qualifying illness or injury are governed by DEC(REGULATION).

If an employee has exhausted his or her state personal or sick leave, District local leave, and vacation days, additional leave days subject to availability may be requested pursuant to the District's sick leave bank program (SLBP). Leave days granted from the SLBP shall be in accordance with adopted rules and procedures for the SLBP. [See DEC(REGULATION)]

INCLEMENT WEATHER

Absences during inclement weather [see CKC(LOCAL)] shall be governed by the following provisions:

1. Any employee who fails to report to his or her assignment when schools have been declared open shall use a personal business or any available paid time off or non-duty days for each day absent. Employees who do not have any available paid time off or non-duty days available shall have their salaries adjusted for each day of absence.

2. When the District facilities are declared closed, the following shall apply:

   a. Campus-based teachers: Campus-based teachers as defined by the Texas Education Code, Chapter 21 and all other campus-based employees not covered by item b below will follow the inclement weather make-up days as outlined by the applicable school year calendar.

   b. Security, police, maintenance, food services, and custodial services: Security, police, maintenance, Maria Luna Central ware-house nonexempt staff (warehouse staff and LRE), and custodial services shall report to work whether the District is in session or not. If not present,

employees shall be charged with available paid time off or have their salaries adjusted accordingly.

c. Central-based exempt employees: Central-based exempt employees may be provided the opportunity by the District with approval of their immediate supervisor to make-up the day(s) not worked or the employees will be charged available leave days.

d. Central-based nonexempt employees: Central-based nonexempt employees may be provided the opportunity by the District and with approval of their immediate supervisor to make-up the day(s) not worked or the employees will be charged available leave days.

[See DEC(REGULATION) for more details]

Exceptions to the above provisions can be made only at the discretion of the Superintendent of Schools.

NON-DUTY DAYS

For the definition and applicability of non-duty days, employees are to refer to the District calendar link located on the District homepage and Payroll Department procedures.

NEUTRAL ABSENCE CONTROL POLICY

If an employee does not return to work within 180 calendar days of being out on leave, the District shall provide the employee with written notice that the maximum allotted District leave time has been exhausted and that the employee will be terminated regardless of the reason for the absence [see DF series]. The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act (ADA) [see DAA(LEGAL)], shall be considered before termination. If paid leave has been exhausted, the employee shall remain on unpaid leave during the ADA consideration period. If terminated, the employee may apply for reemployment with the District.

ABUSE OF LEAVE

Abuse of leave policies, misrepresentation of the need to use leave, or falsification of a document from a health-care provider shall constitute grounds for appropriate disciplinary action, up to and including termination, in accordance with District policies. [See DCD and DF series]

EXCESSIVE ABSENCES

When an employee's absences become a concern or an employee establishes a pattern of absences, the principal/supervisor shall discuss with the employee the reason for such absences. [See DEC(REGULATION)] Such absences may be subject to verification. If the absences are deemed excessive or a pattern has developed, the employee may be subject to disciplinary action up to and including termination of employment. [See DCD and DF series]

JOB ABANDONMENT	Employees who are absent from work for three consecutive working days or more without notice/approval and who cannot be reached by the immediate supervisor shall be deemed to have voluntarily re-signed from the District and may be released from the District due to job abandonment in accordance with District policy. [See DF series] Employees resigning their positions shall be required to give written notice to their immediate supervisors.
MILITARY WARTIME LEAVE	The term “wartime” includes but is not limited to military operations, domestic emergencies, national security-related situations, or presidential authorization. [See DECB(LOCAL) and DEC(REGULATION)]
PRIORITY RETURN	The term “Priority Return” means an unpaid status assigned to an employee who is awaiting placement after being released to return to work following a medical leave of absence/temporary disability (non-FMLA).

STATE PERSONAL LEAVE

EMPLOYEE ELIGIBILITY	All District employees, excluding substitute or temporary, are entitled to days earned prorata consistent with their work assignment. [See DEC(LEGAL)]
PURPOSE	State personal leave may be used at the employee's discretion for any purpose, e.g., personal or family illness, family emergency, or bereavement leave.
APPLICATION PROCEDURE	A notice of request for state personal leave shall be submitted to the immediate supervisor/designee in advance of the anticipated absence(s). In the case of personal or immediate family illness, family emergency, or bereavement, notification shall be made at the earliest practical time. [See REPORTING ABSENCES FROM DUTY, above]
RATE OF ACCRUAL	State personal leave is earned at a rate of five days per year with no limit on accumulation or restriction on transfer among districts. Determination of the number of days earned is based on the number of days worked during the school year and prorated dependent upon an employee's work assignment.
STATE PERSONAL LEAVE AND RECORDING	The District may not restrict the order in which an employee may use state personal leave, state sick leave, and any additional District local leave provided by the District.
ACCUMULATED STATE SICK LEAVE	Accumulated totals of state sick leave accrued prior to May 30, 1995, shall remain available to employees.
SCHEDULE LIMITATIONS	
CAMPUS	Use of state personal leave, used at the employee's discretion, shall not be permitted on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days during the first week of school or during the last week of school, and days scheduled for state-mandated assessments, except in extenuating circumstances as determined by the supervisor. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the education program or District operations, as well as the availability of substitutes. [See DEC(REGULATION)]
NON-CAMPUS	The District will reasonably accommodate an employee's request to be absent from duty so long as it does not cause undue hardship on the department and/or District operations. [See DEC(REGULATION)]
	The above restrictions for campus and non-campus employees shall not apply to absences due to religious observances and leave

taken by employees serving on active military duty in any branch of the United States or state military armed forces during wartime.

PAY STATUS

As long as leave days are available, there shall be no loss of pay, and the employee shall remain in full-pay status during the leave.

Should an employee use more days than earned, the cost of un-earned leave days may be deducted, subject to Federal Labor Standard Act (FLSA) guidelines, from the employee's paycheck. [See DEA(LOCAL)]

If insufficient funds exist in the last paycheck, the employee shall be required to refund the overpayment.

DISTRICT LOCAL LEAVE

EMPLOYEE ELIGIBILITY

All District employees who work 20 or more hours per week, excluding substitute or temporary employees, are entitled to days earned prorata consistent with their work assignment. [See DEC(REGULATION)]

PURPOSE

District local leave may be used for:

1. Employee's illness or injury;
2. Illness or death in the immediate family;
3. First-year care following the birth or adoption of an employee's child or placement of a child with the employee for foster care, as provided by FMLA [see DEC(LEGAL)]; and
4. Personal business reasons.

These restrictions shall not apply to absences due to religious observances or leave taken by employees serving on active military duty in any branch of the United States or state military armed forces during wartime.

APPLICATION PROCEDURE

A notice of request for District local leave shall be submitted to the immediate supervisor/designee in advance of the anticipated absence(s). In the case of personal or immediate family illness, notification shall be made at the earliest practical time. [See REPORTING ABSENCES FROM DUTY, above]

RATE OF ACCRUAL

Beginning September 1, 2011, District local leave is earned at a rate of three days per school year with a maximum of 30 days' total accumulation. Determination of the number of days earned is based on the number of days worked during the school year and prorated dependent upon an employee's work assignment. The unused local leave balance shall be reduced to zero immediately upon termination of employment with the District.

ACCUMULATED DISTRICT LOCAL LEAVE

Any District local leave accumulated prior to September 1, 2011, shall remain available to employees until depleted. The unused accumulated District local leave balance shall be reduced to zero immediately upon termination of employment with the District.

DISTRICT LOCAL LEAVE AND RECORDING

The District may not restrict the order in which an employee may use state personal leave, state sick leave, and any additional District local leave provided by the District.

SCHEDULE LIMITATIONS

CAMPUS

Use of District local leave, used at the employee's discretion, shall not be permitted on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days during the first week of school or during the last week

of school, or days scheduled for state-mandated assessments, except in extenuating circumstances as determined by the supervisor. In deciding whether to approve or deny District local leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the education program or District operations, as well as the availability of substitutes. [See DEC(REGULATION)]

NON-CAMPUS

The District will reasonably accommodate an employee's request to be absent from duty so long as it does not cause undue hardship on the department and/or District operations. [See DEC(REGULATION)]

The above restrictions for campus and non-campus employees shall not apply to absences due to religious observances and leave taken by employees serving on active military duty in any branch of the United States or state military armed forces during wartime.

PAY STATUS

As long as leave days are available, there shall be no loss of pay, and the employee shall remain in full-pay status during the leave.

Should an employee use more days than earned, the cost of unearned leave days may be deducted, subject to FLSA guidelines, from the employee's paycheck. [See DEA(LOCAL)]

If insufficient funds exist in the last paycheck, the employee shall be required to refund the overpayment.

BEREAVEMENT (FUNERAL) LEAVE

DURATION

All employees may use local or state leave for bereavement/funeral purposes. For the death of an immediate family member, an employee may use up to five combined local or state days per occurrence without applying for leave of absence.

PAY STATUS

As long as leave days are available, there shall be no loss of pay, and the employee shall remain in full-pay status during the leave.

Should an employee use more days than earned, the cost of unearned leave days may be deducted, subject to FLSA guidelines, from the employee's paycheck. [See DEA(LOCAL]

If insufficient funds exist in the last paycheck, the employee shall be required to refund the overpayment.

DOCUMENTATION

Appropriate documentation shall be provided for all bereavement/funeral leave upon supervisor request.

MEDICAL LEAVE OF ABSENCE/TEMPORARY DISABILITY (NON-FMLA)

EMPLOYEE ELIGIBILITY

All District employees who work 20 or more hours per week are eligible, excluding substitute or temporary.

PURPOSE

An employee shall be eligible after five consecutive days of absence for one of the following reasons:

1. For the employee's own serious health condition as defined in FMLA; or
2. With medical certification from a physician, for a non-serious medical condition, when such conditions interfere with the performance of regular duties.

Conditions related to pregnancy and childbirth will be treated the same as other health conditions.

APPLICATION PROCEDURE

An employee absent beyond five consecutive workdays, except for vacation, shall apply for a medical leave of absence by contacting Benefits Outlook. The employee shall notify the supervisor or designee of the application for leave. [See DEC(REGULATION)]

An employee shall provide at least 30 days' notice before leave is to begin if the need is foreseeable. If unforeseeable, an employee shall provide notice as soon as practicable under the facts and circumstances of the particular case.

DURATION

Leave is available up to 180 calendar days with proper medical certification. This leave runs concurrently with family and medical leave under FMLA. An employee's failure to return to work after 180 calendar days will result in termination of employment. [See NEUTRAL ABSENCE CONTROL POLICY, above]

ASSIGNMENTS / REASSIGNMENTS

EDUCATORS

If an educator returns to work within the 180 calendar days, the educator shall be assigned or reassigned in accordance with statutory guidelines in Texas Education Code Section 21.409. [See DEC(LEGAL)]

OTHER EMPLOYEES (PRIORITY RETURN)

If a non-educator returns to work within 180 calendar days, the employee may be assigned or reinstated to employment subject to the availability of a position within the employment category for which the employee is qualified. The employee will be placed on priority return status for a maximum of 90 calendar days. If no position becomes available during that time period, the employee shall be terminated from employment.

ASSAULT LEAVE

EMPLOYEE ELIGIBILITY

District employees who are physically assaulted during the performance of regular duties are eligible.

PURPOSE

The leave is to allow for the employee to recuperate from physical injuries sustained as a result of an assault. [See DEC(LEGAL)]

APPLICATION PROCEDURE

The assault shall be reported within 24 hours to the immediate supervisor or designee. [See also CRE(LOCAL)]

At the employee's request, the District shall immediately assign the employee to assault leave. The employee must provide medical certification indicating the amount of time off necessary to recuperate from physical injuries sustained as a result of the assault within ten working days of the request.

DURATION

The employee is entitled to the number of days necessary to recuperate from physical injuries resulting from the assault. However, assault leave shall not exceed two years from the date of the assault. An employee's failure to return to work after the expiration of an approved assault leave period may result in termination of employment.

DOCUMENTATION

The employee shall provide to the Office of Employee Relations a physician's medical report documenting the physical injury recuperation status for review every 30 days. Failure to provide the required documentation may result in the change of assault leave status and charging the leave against the employee's accrued leave or against the employee's pay if accrued leave is not available.

PAY STATUS

There is no loss of pay and the days of assault leave shall not be deducted from accrued leave.

Upon investigation of the claim, the District may change the assault leave status and charge the leave against the employee's accrued leave or against the employee's pay if accrued leave is not available.

Assault leave benefits shall be coordinated with temporary income benefits due from workers' compensation so that the employee's total compensation from temporary income benefits and assault leave policy benefits will equal 100 percent of the employee's weekly rate of pay.

Each employee released to return to work from assault leave shall be unpaid until he or she is assigned to a position and returns to duty. The employee will be placed on priority return, and reassignments will be made in accordance with the applicable District policies and state and federal laws.

WORKERS' COMPENSATION LEAVE

WORKERS' COMPENSATION LEAVE

The District provides workers' compensation benefits to employees (including substitute and temporary) who suffer a work-related illness or who are injured on the job. Specific benefits are prescribed by law, depending on the circumstances of each case. All work-related accidents or injuries shall be reported at once to the supervisor or designee. Employees who are unable to work due to a work-related injury shall be notified of their rights and responsibilities under the Texas Labor Code by the Texas Workers' Compensation Commission after the appropriate injury reports have been submitted. [See CRE(LEGAL)]

An employee receiving workers' compensation wage benefits shall be assigned to FMLA and medical leave, if eligible. The employee shall inform the supervisor whether he or she chooses to use available paid leave while receiving workers' compensation wage benefits. [See CRE(LOCAL)]

If a workers' compensation claim is denied or is being disputed and an employee continues to be absent, the employee shall apply for FMLA or medical leave, whichever is applicable.

LIMITED DUTY

Supervisors shall attempt to make short-term and reasonable accommodations for up to 30 days for employees who have been released by their physician to return to work from workers' compensation absence with a temporary limitation or disability. The 30-day period may be extended another 30 days if the doctor recommends it pending return to full duty. [See CRE(LOCAL)]

If the employee declines the District's offer of a limited duty job, the employee may lose workers' compensation benefits but shall be entitled to remain on unpaid FMLA leave, if applicable, until exhausted. [See DECA(LEGAL)]

DURATION

The duration of the leave shall be up to 180 calendar days with proper medical certification. This leave runs concurrently with family and medical leave under the FMLA. An employee's failure to return to work after 180 calendar days will result in termination of employment. [See NEUTRAL ABSENCE CONTROL POLICY, above and also CRE(LEGAL)] Workers' compensation benefits will continue until the employee is released by the health-care provider or has reached maximum medical improvement.

PAID LEAVE OFFSET

An employee who chooses to use paid leave shall have his or her weekly workers' compensation wage benefits supplemented up to the employee's pre-injury regular weekly wage. The District shall charge the employee's leave proportionately until the available leave is exhausted. [See CRE(LEGAL), DEC(LEGAL)]

COURT APPEARANCES/SUBPOENAED WITNESS LEAVE

EMPLOYEE ELIGIBILITY

All District employees will be permitted to take time off.

PURPOSE

Each District employee, excluding substitutes or temporary, shall be fully compensated by the District for absences due to compliance with a valid subpoena or for jury duty, and absences shall not be deducted from the employee's pay or leave balance. [See DEC(LEGAL)]

APPLICATION PROCEDURE

In accordance with statutory provisions, employees may serve on federal, municipal, and county juries without loss of pay or accumulated leave. Employees shall be allowed to retain any compensation for this service, but a record of days served verified by the central jury bailiff letter shall be submitted to the principal or department head.

An employee summoned for stand-by jury service shall report to his or her regular work site and shall follow the directions outlined in the summons. If jury service is required, the employee shall be released to report to jury service at the specified time. A record of jury service, verified by the central jury bailiff, shall be submitted to the principal or department head.

Employees who are subpoenaed shall present the subpoena and the reasons for the court appearance to the principal or department head in advance of the anticipated days of absence.

Employee absences for voluntary court appearances related to the employee's personal business or personal reasons shall be deducted from the employee's accrued leave or taken as leave without pay, at the option of the employee.

EMERGENCY LEAVE

EMPLOYEE ELIGIBILITY

All District employees, excluding substitute or temporary, are eligible.

APPLICATION PROCEDURE

Employees may be granted two local days of emergency leave without loss of pay or deduction of local leave for destruction of their home or domicile, furniture, and fixtures by flood, fire, or storm. Such leave is subject to the approval of the Superintendent of Schools or designee.

Additional days of absence shall result in a deduction of accumulated local or state days.

An employee absent beyond five consecutive workdays shall apply for a leave of absence by contacting Benefits Outlook. The employee shall notify the supervisor or designee of the application for leave.

PAY STATUS

As long as leave days are available, there is no loss of pay, and the employee remains in full-pay status during the leave.

Should an employee use more days than earned, the cost of unearned leave days may be deducted from the employee's paycheck. [See DEA(LOCAL)]

If insufficient funds exist in the last paycheck, the employee shall be required to refund the overpayment.

PROFESSIONAL LEAVE

EMPLOYEE ELIGIBILITY	All full-time and part-time employees who are active contributing members of TRS and who have worked for the District a minimum of three years are eligible.
PURPOSE	A professional leave shall be granted only if the activity accomplishes a school-related purpose and is in the best interest of the District. Requests for professional leave require advance approval by the Superintendent of Schools or designee.
PROFESSIONAL ACTIVITY	This leave shall not exceed 365 calendar days and will be without pay. Leave requests for professional study or other professional activity shall not be granted for full-time employment elsewhere. Requests must be submitted to Benefits Outlook not later than six weeks prior to the first day of a school year in which the leave will begin. Approval of such leave requests are subject to approval by the Superintendent of Schools or designee and shall depend on their value to the District's program.
SCHEDULE LIMITATIONS	The Superintendent of Schools or designee will consider the effect of the employee's absence on the education program or District operations, as well as the availability of substitutes.
TEACHER EXCHANGE PROGRAMS	The District may participate in Teacher Exchange Programs to help promote mutual understanding between the people of the United States and the people of other countries through educational exchange. Teachers and administrators wishing to participate in Teacher Exchange Programs must obtain approval through the Superintendent of Schools or designee. Leave details are dependent upon the program's requirements and the approval of the Superintendent of Schools or designee. [See DEC(REGULATION)]

HARDSHIP LEAVE

EMPLOYEE ELIGIBILITY

All District employees excluding substitute or temporary, after completion of one year of service in the District are eligible. This leave may be granted only if the employee is not eligible for any other leave (e.g., FMLA leave, temporary disability leave, medical leave, or workers' compensation). Return to service cannot be guaranteed.

PURPOSE

This leave may be granted for any of the following reasons:

1. Serious illness of the employee;
2. Serious illness of members of the employee's immediate family; and
3. Personal hardship for circumstances beyond the employee's control. This leave does not run concurrently with FMLA leave, temporary disability leave, medical leave, or workers' compensation.

APPLICATION PROCEDURE

Requests must be submitted, with appropriate documentation, by contacting Benefits Outlook at least 30 days prior to taking a leave or as soon as practicable in an emergency situation. [See DEC(REGULATION)]

DURATION

Hardship leaves may be granted up to 60 calendar days.

PAY STATUS

As long as leave days are available, there is no loss of pay, and the employee remains in full-pay status during the leave.

Should an employee use more days than earned, the cost of unearned leave days may be deducted from the employee's paycheck. [See DEA(LOCAL)]

If insufficient funds exist in the last paycheck, the employee shall be required to refund the overpayment.

OTHER LEAVES

EMPLOYEE ELIGIBILITY

All full-time or part-time District employees are eligible.

PURPOSE

The Superintendent of Schools or designee may place an employee on temporary leave of absence when it is determined to be in the best interest of the District.

INVOLUNTARY LEAVE OF ABSENCE

An employee may be placed on a temporary leave of absence with pay if the employee's condition interferes with the performance of regular duties. When appropriate, this temporary leave of absence may run concurrently with FMLA Leave, temporary disability leave, medical leave, or workers' compensation.

FOR MEDICAL EVALUATION

Any employee who refuses to undergo a physical, mental, emotional, or general health evaluation, as required by policy DBB(LOCAL), may be placed on involuntary leave of absence without pay pending compliance with the required evaluation. The employee shall have the right to file a grievance in order to present evidence of his or her fitness to continue in the pursuit of regularly assigned duties, in accordance with DGBA(LOCAL).

The employee must notify the Superintendent of Schools or designee of a desire to return to active duty at least ten days in advance of the expected date of return. The notice shall include a statement from a licensed physician or licensed mental health-care professional confirming the employee's physical, mental, or emotional fitness to return to regular duties. Reinstatement shall be in accordance with statutory requirements in DEC(LEGAL).

EMERGENCY REMOVAL

When a supervisor or principal determines that the conduct of an employee (including temporary and substitute employees) requires discipline short of termination but beyond reprimand, the employee may be removed from the worksite for 24 hours.

If an extended removal (beyond the initial 24-hour removal) is deemed necessary by the immediate supervisor, the employee will be directed to report to the Office of Employee Relations.

An extended emergency removal shall not exceed three days.

ADMINISTRATIVE LEAVE

An employee may be placed on administrative leave with or without pay by the Superintendent of Schools or designee during an investigation of alleged misconduct by the employee, following a recommendation for termination or at any time the Superintendent of Schools or designee determines that the District's best interests will be served by the suspension or administrative leave.

UNAPPROVED LEAVE

An employee will be placed on an unapproved leave status, which will be unpaid, under any of the following conditions:

1. Employee who has applied for leave but has not returned the required leave paperwork by the submission deadline and is not at work,
2. Employee who has been released to return to work by a physician but does not report to work,
3. Employee who has not provided appropriate return to work documentation by the leave end date and is not at work, or
4. Employee whose workers' compensation leave has been denied, has not applied for FMLA or medical leave, and is not at work.

Employees on unapproved leave will be subject to disciplinary action up to and including termination in accordance with District policies. [See DF(LOCAL) and DCD(LOCAL)]